Message Text

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E.O. 11652: N/A TAGS: ETRD, EAGR

SUBJ: COFFEE NEGOTIATIONS: PROCESSED COFFEE

- 1. AS RESULT OF SEVERAL BILATERAL DISCUSSIONS BETWEEN BRAZILIAN DELEGATE CAMILLO CALAZANS AND USDEL JOHN J. INGERSOLL DURING 26TH SESSION OF INTERNATIONAL COFFEE COUNCIL, BOTH DELS AGREED, ON AD REFERENDUM BASIS, THAT FOLLOWING TEXT OF NEW ARTICLE ON PROCESSED COFFEE APPEARS MUTUALLY ACCEPTABLE FOR INCLUSION IN NEW COFFEE AGREEMENT (REPLACING ARTICLE 44 OF 1968 AGREEMENT): QUOTE. L. MEMBERS RECOGNIZE THE NEED OF DEVELOPING COUNTRIES TO BROADEN THE BASE OF THEIR ECONOMIES THROUGH, INTER ALIA, INDUSTRIALIZATION AND THE EXPORT OF MANUFACTURED PRODUCTS, INCLUDING THE PROCESSING OF COFFEE AND THE EXPORT OF PROCESSED COFFEE;
- 2. IN PURSUING THIS OBJECTIVE, MEMBERS SHALL AVOID THE ADOPTION OF GOVERNMENTAL MEASURES WHICH COULD CAUSE UNFAIR COMPETITION WITH, OR SERIOUS INJURY OR DISRUPTION TO, THE COFFEE SECTOR OF OTHER MEMBERS;
- 3. SHOULD A MEMBER CONSIDER THAT THE PROVISIONS OF PARAGRAPH 2 ABOVE ARE NOT BEING COMPLIED WITH, IT SHOULD CONSULT WITH THE OTHER MEMBER OR MEMBERS CONCERNED, LIMITED OFFICIAL USE

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HAVING DUE REGARD TO THE PROVISIONS OF ARTICLE 58.

THE MEMBERS CONCERNED SHALL MAKE EVERY EFFORT TO REACH AMICABLE SETTLEMENT ON A BILATERAL BASIS. IF THESE CONSULTATIONS DO NOT LEAD TO A MUTUALLY SATISFACTORY SOLUTION, EITHER PARTY MAY BRING THE MATTER BEFORE THE COUNCIL FOR CONSIDERATION UNDER ARTICLE 59 ON DISPUTES AND COMPLAINTS

- 4. NOTHING IN THIS AGREEMENT SHALL PREJUDICE THE RIGHT OF ANY MEMBER TO TAKE MEASURES TO PREVENT OR REMEDY INJURY TO, OR SERIOUS DISRUPTION OF, ITS COFFEE SECTOR BY IMPORTS AND TO PREVENT UNFAIR COMPETITION FROM IMPORTS. UNQUOTE.
- 2. FOREGOING TEXT WAS ALSO REVIEWED BY US GOVERNMENT AND INDUSTRY ADVISORS ON US DELEGATION AND, ALWAYS ON AD REFERENDUM BASIS, APPEARED TO BE ACCEPTABLE APPROACH. SUBJECT HAS NOT REPEAT NOT BEEN DISCUSSED WITH OTHER IMPORTING MEMBERS OR EXPORTING MEMBERS OF COFFEE AGREEMENT SINCE NEGOTIATIONS WORKING GROUP HAD EARLIER (IN APRIL) AGREED MATTER SHOULD FIRST BE WORKED OUT BILATERALLY BY BRAZIL AND US. CALAZANS EXPRESSED CONCERN THAT ALTHOUGH THIS TEXT APPEARS COVER BILATERAL US/BRAZIL SIDE OF PICTURE, BRAZILIAN FONOFF WILL HAVE TO CONSIDER WHETHER IT ALSO ADEQUATELY COVERS UNIVERSAL ASPECTS, PARTICULARLY RELATING TO BRAZIL-EEC TRADE. HE WAS WORRIED THAT THE EEC MIGHT MISUSE EXCAPE CLAUSE FOR UNWARRANTED PROTECTION THEIR COFFEE PROCESSING INDUSTRY.
- 3. AT PRIVATE MEETING JULY 14, CALAZANS AND INGERSOLL AGREED COMMENTS THEIR RESPECTIVE GOVERNMENTS SHOULD BE CONVEYED TO OTHER PARTY THROUGH BRAZILIAN AND US PERMANENT REPRESENTATIVES TO ICO WITH ANY NEGOTIATIONS BEING CONFINED THIS CHANNEL.

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